

Patent
10/784,545

REMARKS

REQUEST FOR CORRECTION OF CUSTOMER NUMBER/MAILING ADDRESS:

Applicant notes that the February 14, 2008 Office Action was mailed to "Haynes and Boone, LLP" in Dallas, TX. This applicant was filed under the correct Customer number, 27774. However, the customer number was inadvertently changed, at the PTO, to that corresponding to the Haynes firm. Correction is hereby respectfully requested.

STATUS OF CLAIMS

Claims 1-4, 7-24 and 27-36 are now pending in the application. Claims 5-6 and 25-26 have been canceled. Claims 1 and 21, the independent claims, have been amended herein to include the limitations of Claims 5 and 25, respectively. Claims 7 and 27 have been amended to correct dependency.

The oath was indicated to be defective "because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56". Applicant notes that the Declaration as filed states "I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56" (fourth paragraph, page 1 of Declaration, filed August 17, 2004). Should this objection be maintained, clarification is requested.

Claims 1-36 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,915,273 (Parulski). This rejection is respectfully traversed and reconsideration is requested.

Each of independent Claims 1 and 21 has been amended to now recite the limitations of Claims 5 and 25, respectively, that the package of photofinishing products includes a second physical medium onto which the digital image is transferred.

The Action directs Applicant to col. 4, lines 61-63 of Parulski citing "...a second physical medium such as DC-R, USB; col. 4, lines 61-63) in support of the rejection of Claims 5 and 25. Applicant respectfully notes that Parulski does not, in any way, teach or suggest "providing a photofinishing product to the user in accordance with the specified package, wherein the package of photofinishing products includes a second physical medium onto which the digital image is transferred.

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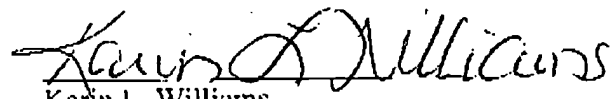
Rather, the section noted at col. 4, simply states that the CPU motherboard 82 (of retail kiosk 80) "communicates with a CD reader 92....[which] can be used to input digital images from a CD-R disc, such as a Kodak Picture CD". This teaches *only a reader to input images from a CD-R disc* - which does not teach or suggest *providing a package, to a user, that includes a second physical medium onto which the digital image has been transferred*.

For at least the foregoing reasons, Applicants respectfully submit that each of amended independent Claims 1 and 21 is patentable over Parulski.

Dependent Claims 2-4, 7-20, 22-4 and 27-36 are also believed to be clearly patentable over the art of record for all of the reasons indicated above with respect to Claims 1 and 21, one or the other from which they depend, and even further distinguish over the cited references by reciting additional limitations.

Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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